

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-40117
	)	Chapter 7
	)	
RANDY LEE FLEMMING	)	
fdba Flemming Construction	)	ORDER DISCHARGING CERTAIN
SSN/ITIN xxx-xx-8389	)	JUDGMENTS AND DENYING
	)	DEBTOR'S MOTION IN PART
Debtor.	)	

Upon consideration of Debtor's Motion to Discharge Judgments (doc. 17), the records of the Clerk of Court for Yankton County, South Dakota, and the record before the Court; and it appearing no objection to the motion was timely filed after appropriate notice; but it also appearing the record does not establish judgment creditors Brenda M. Scheetz and South Dakota Housing Development Authority were given formal notice of this bankruptcy case before the deadline to file a nondischargeability complaint under 11 U.S.C. § 523(a)(2), (4), or (6) expired; and it further appearing judgment creditor Brenda M. Scheetz's claim may also be nondischargeable under 11 U.S.C. § 523(a)(5); and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtor's motion is granted in part, and his personal liability under the following judgments has been voided in bankruptcy:

Midland Funding, LLC, Messerli & Kramer (MRC), judgment for \$3,060.85 plus \$54.20 interest and \$77.00 costs, dated April 15, 2009, Civ. No. 66CIV09000211-01, Circuit Court, Yankton County, South Dakota.

Rebecca Coffaa, judgment for \$1,257.59 plus \$38.06 costs, dated April 26, 2007, Civ. No. 13SMC07000052-01, Circuit Court, Clay County, South Dakota.

IT IS FURTHER ORDERED, pursuant to S.D.C.L. § 15-16-20, the clerk of the court in which the above-listed judgments were rendered, or a transcript thereof has been filed, shall enter a certified copy of this order in the clerk's judgment docket. Said entry shall discharge only Debtor's personal liability under the judgments specified from and after the date of entry.

IT IS FURTHER ORDERED nothing in this order shall affect the liability of any judgment debtor who is not a debtor in this bankruptcy case or the validity of any lien that attached to Debtor's property pre-petition.

IT IS FURTHER ORDERED Debtor's motion is denied in part, and the following

judgments are not discharged:

Brenda M. Scheetz, judgment for \$3,135.00, dated May 15, 2007, Civ. No. 66REC07000265-01, Circuit Court, Yankton County, South Dakota.

South Dakota Housing Development Authority, judgment for \$43,599.14 plus \$5,115.55 interest and \$8,636.09 costs, dated November 10, 2009, Civ. No. 66CIV09000476-01, Circuit Court, Yankton County, South Dakota.

South Dakota Housing Development Authority, judgment for \$43,599.14 plus \$2,558.95 interest and \$2,557.87 costs, dated March 25, 2009, Civ. No. 55CIV08000119-02, Circuit Court, Yankton County, South Dakota.

Said denial is without prejudice and subject to Debtor's filing a complaint against judgment creditor Brenda M. Scheetz under 11 U.S.C. §§ 523(a)(3) and (a)(5). Said denial is also without prejudice and subject to Debtor's filing either a complaint against judgment creditor South Dakota Housing Development Authority under 11 U.S.C. § 523(a)(3) or a new motion to discharge this judgment that includes, as an attachment, a voluntary waiver of notice by South Dakota Housing Development Authority.

So ordered: July 8, 2010

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Charles L. Nail, Jr.", is written over a light blue rectangular background.

Charles L. Nail, Jr.  
Bankruptcy Judge

NOTICE OF ENTRY  
Under Fed.R.Bankr.P. 9022(a)

This order/judgment was entered  
on the date shown above.

Frederick M. Entwistle  
Clerk, U.S. Bankruptcy Court  
District of South Dakota